

Application No.: 09/974040

Case No.: 56685US002

Remarks

Claims 1, 2, 5-15, 17-21, 23-32, 36-38, and 45-53 are pending. Claims 3, 4, 16, 22, 33-35, and 39-44 have been canceled. No claims are amended. No claims have been added.

Obviousness-type Double Patenting Rejections

Claims 1, 2, 5-15, 17-21, 23-32, 36-38 and 45-52 stand rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-28 of U.S. 6,680,114.

In response, enclosed is a "Terminal Disclaimer Under 37 C.F.R. Section 1.321(b)," which disclaims the portion of the term of any patent granted on the instant application that would extend beyond the expiration date of the term of U.S. Patent No. 6,680,114. The Disclaimer also indicates that the instant application, and the Patent No. 6,680,114, are commonly owned by 3M Innovative Properties Company by virtue of assignments recorded at reel/frame 012257/0945 on 10/09/2001 (for the instant application) and at reel/frame 011832/0156 on 05/15/2001 (for U.S. Patent No. 6,680,114). The Disclaimer further indicates that the chain of title of the instant application has been examined in order to comply with 37 C.F.R. Section 3.73(b).

Since under 37 C.F.R. Section 1.78(d) a terminal disclaimer in compliance with 37 C.F.R. Section 1.321(b) can be used to overcome a non-statutory double patenting rejection, Applicants respectfully request that the double patenting rejection be withdrawn.

The rejection of claims 1, 2, 5-15, 17-21, 23-32, 36-38 and 45-52 under the judicially-created doctrine of obviousness-type double patenting over claims 1-28 of U.S. 6,680,114 has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

Date

July 29, 2004

By:

[Signature]

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